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CALIFORNIA LAWYER MAGAZINE ANNOUNCES
2008 CLAY AWARD WINNERS

SAN FRANCISCO, February 18 — *California Lawyer* magazine has named 34 attorneys around the state to receive the twelfth annual California Lawyer Attorneys of the Year Awards. Their achievements had a significant impact in 2007, or their work is expected to have such an effect in the coming years. The awards recognize 22 accomplishments in 16 areas of legal practice.

The honored attorneys include sole practitioners, attorneys from international law firms, government attorneys, and a law school professor. The recipients of the CLAY Awards are featured in the March 2008 issue of *California Lawyer*.

The attorneys and their achievements are briefly described below:

Jeff Adachi, Public Defender's Office, San Francisco

Category: GOVERNMENT

In 2007 ADACHI led the San Francisco Safe Communities Reentry Council, a collaboration of more than 50 organizations and individuals helping those newly released from jail and prison secure housing, education, and employment and deal with their emotional, health, and legal needs. Adachi established a reentry unit in the public defender's office, which in its first year helped more than 400 people, and he also expanded the Clean Slate program, which helps ex-offenders clear their criminal records, overcoming obstacles to employment and education.

James P. Bennett, Jordan D. Eth, and Terri A. Garland, Morrison & Foerster, San Francisco

Category: SECURITIES

In a rare trial of a securities class action, a defense team led by BENNETT, ETH, and GARLAND won a unanimous jury verdict in a case alleging fraud on the market and insider trading brought against Milpitas-based JDS Uniphase Corp. and three of its executives.

David Bigelow and Graham LippSmith, Girardi & Keese, Los Angeles

Category: LITIGATION

BIGELOW and LIPPSMITH secured an impressive \$12.5 million for three plaintiffs who had been sexually abused for several years by employees of Masonic Homes of California in Covina, a home where the plaintiffs lived in the late 1970s. The jury verdict followed a similar court victory the two attorneys won the previous year, marking some of the first verdicts to include punitive damages awards under the new Childhood Sexual Abuse Revival Act.

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Raymond Boucher, Kiesel, Boucher & Larson, Beverly Hills

Category: LITIGATION

BOUCHER acted as liaison counsel for an overlapping group of plaintiffs attorneys representing clients in hundreds of clergy sexual-abuse cases coordinated in two separate proceedings. In July plaintiffs settled 508 cases with the Archdiocese of Los Angeles for \$660 million, and in September with the Diocese of San Diego for \$198 million.

Timothy P. Crudo, U.S. Attorney's Office, San Francisco

Category: CRIMINAL

In the first two criminal trials of defendants accused of option-backdating crimes, Assistant U.S. Attorneys CRUDO and Adam A. Reeves won a conviction in August against Gregory Reyes, the former CEO of San Jose-based Brocade Communications Systems, and in December against Stephanie Jensen, Brocade's former vice president of human resources.

Susan J. DeWitt, Robert E. Dugdale, and Kim Meyer, U.S. Attorney's Office, Central District of California, Los Angeles

Category: CRIMINAL

These three federal prosecutors concluded a landmark case in 2007, securing the first federal death sentences returned in the Central District of California since 1950. The case, which involved members of a Russian kidnapping-murder ring, culminated in guilty verdicts for two men accused of orchestrating the deaths of five Russian immigrants in Los Angeles in 2001 and 2002.

Susan Fiering, Deputy Attorney General, Oakland

Patrick Gallagher, Sierra Club Environmental Law Program, San Francisco

Kassie Siegel, Center for Biological Diversity, Joshua Tree

Deborah Sivas, Environmental Law Clinic, Stanford University

Category: ENVIRONMENTAL LAW

FIERING, GALLAGHER, SIEGEL, and SIVAS all played critical roles in convincing the Ninth U.S. Circuit Court of Appeals to reject the federal fuel economy standards for light trucks and sport utility vehicles as incomplete and inadequate. These trucks and SUVs account for about half of all new vehicle sales in the country each year. Environmental legal experts predict the ruling will have a broad effect on the future work of federal agencies and projects that require federal approvals or permits, as well as on local, state, and private development projects that are subject to California's environmental-review statutes.

Peter H. Gold, Sole Practitioner, San Francisco

Category: APPELLATE

GOLD won a victory in January 2007 before the U.S. Supreme Court in *Cunningham v. California*, a case that could potentially reduce many prison sentences. The decision held that California's Determinate Sentencing Law violates a person's rights, under the Sixth and Fourteenth amendments, to a jury trial by allowing judges to impose elevated sentences based on facts not determined by a jury.

Kamala Harris, District Attorney, San Francisco

Category: GOVERNMENT

HARRIS pioneered a new initiative called Back on Track, focusing on young, first-time drug offenders with no history of violence or gang involvement. Participants plead guilty but agree to a deferral of final sentencing while they complete a rigorous course involving supervision and requiring them to get a job and an education, as well as reengage with their children and families. So far, fewer than 10 percent of the program's graduates have reoffended. And it costs just \$5,000 per participant, compared with \$35,000 per year to house them in jail.

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Michael P. Judge, Los Angeles County Public Defender's Office

George Miller, Congressman, 7th Congressional District

Category: LEGISLATION

Thanks to the legislative efforts of Representative MILLER and the lobbying efforts of JUDGE, Congress passed and the president signed into law the College Cost Reduction and Access Act (HR 2669), which makes it easier for freshly minted lawyers to take relatively low-paying jobs in the public sector. The law does this by extending the repayment period of student loans and forgiving the unpaid balance after ten years of public service.

Marty Katz, Sheppard Mullin Richter & Hampton, Century City

Category: ENTERTAINMENT LAW

KATZ won two big cases for Disney in 2007—a Ninth U.S. Circuit Court of Appeals decision affirming a lower court ruling that certain paintings allegedly shown to Disney 45 years ago *did not* bear a striking resemblance to the Epcot theme park, and a summary judgment against the claims that *Sweet Home Alabama* infringed on a previously submitted script. Also in 2007, Katz won a big judgment for Columbia Pictures that denied actor Robert Wagner a share of the ancillary and subsidiary rights to the *Charlie's Angels* movies.

J. Clark Kelso, McGeorge School of Law, Sacramento

Category: GOVERNMENT

As California's part-time, appointed chief information officer, KELSO consolidated data centers, set up a collaborative user group for government IT officials, and developed an IT system for managing technology issues. He also developed a strategic plan for the executive branch's IT spending and procurement—all while saving the state \$100 million annually.

Terry J. Kilpatrick, Sole Practitioner, San Luis Obispo

Category: DISABILITY RIGHTS

In May, KILPATRICK won a \$221,000 judgment against the city of Riverside for inadequate wheelchair ramps—the state's largest award for a single plaintiff in a disability-access case. The judgment, which followed a decade-long legal fight, forced the city to retool nearly 200 of its ramps—to make them an accessible slope as required by the Americans With Disabilities Act—within four months of the judgment.

Rachel Krevans, Morrison & Foerster, San Francisco

Category: INTELLECTUAL PROPERTY

KREVANS and her legal team used a bold strategy to defend two subsidiaries of satellite television company EchoStar Communications against a patent-infringement claim before a Texas jury. They acknowledged that EchoStar had infringed, but counterattacked by contending that plaintiff Forgent's patent was actually invalid, putting Forgent on the defensive, and obtaining a unanimous jury verdict in EchoStar's favor.

Chuck D. Naylor, Sole Practitioner, San Pedro

Scott P. Nealey, Lieff Cabraser Heimann & Bernstein, San Francisco

Robert J. Nelson, Lieff Cabraser Heimann & Bernstein, San Francisco

Category: PERSONAL INJURY

In one of the year's largest personal injury verdicts, NAYLOR, NEALEY, and NELSON won \$50 million in punitive damages, as well as \$5.2 million in compensatory damages, against DaimlerChrysler for the wrongful death of a 38-year-old longshoreman who suffered fatal injuries when the Dodge Dakota he was driving ran him over after he left the vehicle. The accident was blamed on a "park to reverse" defect in the automatic transmission, said to affect more than a million DaimlerChrysler vehicles.

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Trent W. Orr, Sole Practitioner (of counsel for Earthjustice), San Francisco, and **Katherine S. Poole**, Natural Resources Defense Council, San Francisco

Category: ENVIRONMENTAL LAW

ORR and POOLE together have led efforts on behalf of environmental groups that produced one of the more significant rulings in California's recent history of struggles over its water supplies. Last year, U.S. district Judge Oliver Wanger in Fresno ruled illegal the government assessment of risk to a threatened fish species from the massive pumps in the Sacramento–San Joaquin Delta, which serve both the state and federal water systems. He also imposed limits on delta pumping that could cut by up to one-third the amount of water taken out—possibly the largest reductions ever ordered by a California court.

Donna M. Ryu, Hastings Civil Justice Clinic, San Francisco

Category: EMPLOYMENT LAW

RYU battled an industry effort led by Kenneth Cole Shoes and its amici—who were represented by some of the largest defense firms in the country—in successive appeals in *Murphy v. Kenneth Cole Productions, Inc.* She ultimately resolved two highly contested issues in favor of employees when the California Supreme Court ruled that actions for meal and rest periods claims must be treated as wage claims and that a trial court can consider wage claims that an employee did not raise at the labor commissioner proceeding.

Victor Schachter, Fenwick & West, Mountain View

Category: ALTERNATIVE DISPUTE RESOLUTION

Working with the Institute for the Study and Development of Legal Systems, the mediation program SCHACHTER spearheaded in Delhi, India, quickly became the gold standard for expansion elsewhere in India. Logging 700 volunteer hours in 2007 alone, he returned to Bangalore for several months, helping implement a court-annexed mediation program there that has already resolved more than 1,000 matters—with a settlement rate of 54 percent.

Steven L. Smith, O'Melveny & Myers, San Francisco

Category: ALTERNATIVE DISPUTE RESOLUTION

SMITH was lead counsel for Duke Energy in a high-stakes arbitration brought by Sonatrach, a foreign state-owned energy company seeking nearly \$650 million in damages for the alleged breach of the obligation to develop a U.S. market for its liquefied natural gas. In December 2006, after nearly six years of arbitration and five separate multi-week hearings—three of which related to damages alone—an arbitral tribunal in London issued a 94-page award, resulting in a \$25 million recovery for Duke on its counterclaim of breach of shipping obligations.

Carol A. Sobel, Sole Practitioner, Santa Monica

Category: CIVIL RIGHTS

Last year SOBEL won a case protecting First Amendment and equal-protection rights of free speech activists and artists on the Venice boardwalk, took on a case representing demonstrators involved in the May Day skirmishes with the Los Angeles Police Department in MacArthur Park, and filed multiple lawsuits alleging police harassment of homeless people on Skid Row. As a result of her work, cities around California are reexamining policies that criminalize homelessness.

Patricia T. Sturdevant, California Department of Managed Health Care, Sacramento

Category: HEALTH CARE

As lead counsel for the state's Department of Managed Health Care in an enforcement action against Kaiser Foundation Health Plan, STURDEVANT created a novel consent agreement that resulted in Kaiser paying a record \$5 million penalty for improperly transferring more than 2,000 patients awaiting kidney transplants. Kaiser also gave a \$3 million donation to Donate Life California Organ and Tissue Donor Registry to finance the registry's first media campaign, which increased binding organ-donor registration commitments online by an estimated 40 percent.

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Marc Van Der Hout, Van Der Hout, Brigagliano & Nightingale, San Francisco

Category: PRO BONO

For two decades, VAN DER HOUT has doggedly fought for the rights of the L.A. 8, a group of seven Palestinians and one Kenyan who had faced deportation on charges that they had ties to terrorists. Finally in October, the San Francisco attorney won dismissal of all charges against two of the Palestinians, who in 1987 were arrested on the eve of becoming U.S. citizens.

CEB and Pacific Search International are sponsors of the CLAY Awards this year.

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